

or DAE
April 9, 2008

Office of the Clerk
U.S. District Court
District of Hawaii
300 Ala Moana Blvd., Room C-338
Honolulu, Hawaii 96850-0338

Abraham Martin
87158-022
Federal Prison Camp
3705 West Farm Road
Lompoc, CA 93436

RECEIVED
CLERK U.S. DISTRICT COURT

APR 14 2008

DISTRICT OF HAWAII

RE: Certificate of Record, Cr. 04-00322DAE/05-00049DAE
Cv. 06-00629 DAE-LEK/06-00632 DAE-LEK - **Ninth Circuit 07-16756**

Dear Clerk:

I would like to request that you forward the "Certificate of Record" of the instant criminal and civil actions which you have on hand, to the Ninth Circuit and to me, without the hearing transcripts of the Secret Indictment and the Superseding Indictment.

I have a feeling that some party has been trying to perform some kind of "obstruction of justice" here, delaying the production of these two transcripts. Should the Ninth Circuit require them. it will order the government directly to perform. I can tell what kind of violations were made by the prosecutor and the court.

Should you encounter any problem, please let me know ASAP. Thank you very much for your cooperation and kind assistance in this matter of greatest concern.

Sincerely,



Abraham Martin

cc: Clerk, Ninth Circuit

RESPONSIBILITY ... TAKE RESPONSIBILITY ... ACCEPT RESPONSIBILITY ...

WHAT DOES IT MEAN AND ENTAIL?

Responsibility, as defined in a standard Webster dictionary, means (1) the quality, state or fact of being responsible, (2) something for which one is accountable. In the Black's Law Dictionary, the word **responsibility** means, inter alia, (1) Liability; (2) Criminal law. Guilt, or (3) A person's mental fitness to answer in court for his or her actions.

This word may sometimes be ambiguous on its face. Many people tend to think that if someone does something wrong, he or she should be "responsible" for his or her action, and somehow should offer to do something to make up for it. In other words, he or she should be liable for his or her actions. It is true in a sense, but the word **responsibility** goes miles farther than that.

First of all, one can be responsible to oneself, such as trying to improve oneself in life, in education as well as in trade skill, to be useful in society. Parents are responsible to raise their children up well, providing them with the best education and "savoir vivre" so that when they grow up, they will be good citizens contributing to their country. Children themselves have to be responsible also, by studying hard, having good grades, maintaining good health by exercises or athletic participation. In other words, it is seen here that **everybody** has to be responsible for the system to work well and the society to advance.

Hence, **responsibility** applies to everyone: parents and children, teachers and students, employers and employees, law enforcers, lawyers, prosecutors, judges, congressmen, etc **everyone** has to be responsible for his or her own acts, depending upon the circumstances.

In criminal matters, "take responsibility" means feeling the guilt for one's own wrongdoing and offering to be liable for it. It certainly does not mean "accept" any and all "slandorous accusations", or wrongfully charged offenses, or somebody else's crime(s) as imposed by prosecutorial misconduct. In reality, the high rate of conviction in America is mainly due to the filthy-dirty techniques used by prosecutors to "force" the accused to plead guilty, in a "quickie" conviction scheme. The prosecutors therefore have no regard for justice and the integrity of the U.S. Government. If the accused appeal their unjust sentence and conviction, they will be called "don't take responsibility" by the government and the district court, which have invented a new meaning for "**take responsibility**". In this particular definition, "take responsibility" means "acquiescence" in all charged offenses, whether they are proper or just fabricated. It is quite interesting how the American legal system works, in a so-called "decent" democracy.

"Take Responsibility"

page 2

As mentioned earlier, the word "**responsibility**" goes much farther than the meaning on its face. "Take responsibility" is more than just "admit guilt" and be liable for one's own wrongdoing. A person truly "takes responsibility", besides trying to "make good a wrong done", has to know the "nature and the cause of the offense" and take appropriate steps to prevent it. If need to, he has to read law books to find out about the statutes he was charged with and whether he was charged with the correct statutes for his crimes. Due to frequent prosecutorial misconduct, by studying law and doing law research, he can reveal all the facts about criminal law. At first, he would not know anything about defective indictment(s), multiplicitous counts, double-counting, entrapment, money laundering, copyright infringement, speedy trial act, plea agreement, plea colloquy, transcripts, Freedom Information Act, etc ... to name a few. The more he learns about the law, the more he will find out that the government has used perjured statements, wrongful assumptions and presumptions, fabricated evidence, false witnesses, etc.. to arrive at his conviction. Being a non-lawyer, this is definitely not an easy task for him at all, unless he must indulge himself and take extraordinary efforts in law study. He must find out which statutes he violated and the penalty imposed. He must also find out what the government did wrong to prosecute and convict him, and why the court did not interfere with prosecutorial misconduct and vindictiveness.

Also mentioned earlier, everybody has to take responsibility, so that a society functions well and a country advances. Now what about the prosecutor, will he take responsibility for his misconduct? How about the court, will it take responsibility for either its bias or errors in imposing an unjust sentence and wrongful conviction upon a defendant? The answer to these two questions is no. America is still too young and has not achieved the level of civilization that is seen in some other countries, and that is the reason why America has the most prisoners in the world, and send them to jail for the longest period of time. Furthermore, America is built on individualism and selfishness, the "legal system" officers receive credit, advancement, promotion, etc... for their record of "sending the criminals to jail", regardless whether they are doing a good and decent job or not. They are practically selfish, only thinking of themselves, not justice or the integrity of the U.S. government, or fairness ... They would love to impose injustice or miscarriage of justice upon American citizens, without due process or regard for the law, since they are good at circumventing it anyway. In short, they do not "take responsibility", because they would refuse to "make good a wrong done". What they fear the most is the "truth" and they therefore flatly deny any evidentiary hearings, because these will expose all their wrongdoings in the criminal and/or civil proceedings. Everything is based on the record, but whose record? the government's record of course. This record is of course erroneous, one-sided, perjured, fabricated, etc ...

In summary, if all parties "take responsibility" as supposed to, then the American legal system will be greatly improved and one day America can achieve the status of "decent" civilization.

GLOBAL NEWS

AMERICA HAS MOST PRISONERS

A US Justice Department report released in November 2006 showed that a record seven million people - or one in every 32 adults - were behind bars, on probation or on parole at the end of 2005. Of the total, 2.2 million were in prison.

According to the International Centre for Prison Studies at King's College in London, **more people are behind bars in the US than in any other country.** China ranks second with 1.5 million prisoners, followed by Russia with 870,000. The US incarceration rate of 737 per 100,000 people is the highest, followed by 611 in Russia. In contrast, the incarceration rates in many Western industrial nations range around 100 per 100,000 people.

"The United States has five per cent of the world's population and 25 percent of the world's incarcerated population. **We rank first in the world in locking up our fellow citizens,**" said Ethan Nadelmann of the Drug Policy Alliance, which supports alternatives in the war on drugs.

"We send more people to prison, for more different offenses, for longer periods of time than anybody else," he said. "We now imprison more people for drug law violations than all of Western Europe, with a much larger population, incarcerates for all offenses."

In the US, the wrongful conviction rate is extremely high. One reason is that hardly any of the convicted have had a jury trial. In the US criminal justice system, more than 95 per cent of all felony cases are settled with a plea bargain. This is because any defendant who stands trial faces more severe penalties if found guilty than if he agrees to a plea bargain. To discourage trials, prosecutors offer defendants reduced charges and lighter sentences than would result from a jury conviction.

In the event a defendant insists upon his innocence, prosecutors pile on charges until the defendant's lawyer and family convince the defendant that a jury is likely to give conviction on at least one of the many charges and that the penalty will be greater than a negotiated plea.

It has become a process whereby a defendant is coerced into admitting to a crime in order to escape more severe punishment for maintaining his innocence.

Many of the crimes for which people are imprisoned never occurred. They are made-up crimes created by the process of negotiation to close a case.

Editorials

MONDAY | MARCH 3, 2008

The burden of prisons becoming too costly

A new report offers dramatic confirmation of a shameful trend: The number of Americans in jails and prisons is rising at an unacceptable rate.

The Pew Center on the States reports that for the first time in U.S. history, one out of every 99 adults is in jail or prison. That's 2.3 million people at the start of 2008, more than the world's most populous nation, China, which has 1.5 million locked up.

Clearly, it's irrational to continue on a steady course of constantly putting more people behind bars. The tough, inflexible sentencing laws that have increased the number and length of prison terms need to be reformed.

The financial cost alone — from less than \$11 billion 20 years ago to more than \$49 billion nationwide in 2007 — is a call for change.

This is money not being invested in education, the environment, infrastructure and other vital community needs.

Hawai'i has seen the same growth trend. The inmate population rose from 926 in 1980 to 6,045 in 2007.

Our prisons are so overcrowded that we've turned to shipping more than 2,000 of our inmates to Mainland facilities. At roughly \$50 million a year, that solution is cheaper, and apparently more politically palatable, than building



Join the conversation.
Post your comments about our editorials at
HONOLULUADVERTISER.COM/OPINION

STORY CHAT

space for them at home.

To help solve this problem, policies need to be re-examined to divert more non-violent offenders away from prison. This should include more and better treatment options for drug offenders, providing more effective ways to integrate them back into the community.

The Community Safety Act of 2007 is a good start. It directs the Department of Public Safety to develop a system to help inmates prepare for a successful return to society.

To that end, it's also important to bring inmates home from the Mainland. Keeping them close to the support of family and friends can help ease the transition from prison and reduce recidivism.

While this may require another prison here, the goal should remain a reduction of the prison population overall.

The Pew report also points to another proven strategy to reduce prison populations: early childhood education, which can dramatically reduce a disadvantaged child's participation in juvenile and adult crime in later life.

Surely that's a better investment than another prison cell.

Reach Dick Adair at dadair@honoluluadvertiser.com

A6 | Monday, March 3 2008

The Honolulu Advertiser

